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23363	7590	04/04/2007	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			AUGUSTIN, EVENS J	
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SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/690,796	OGG, CRAIG L.
	<b>Examiner</b>	<b>Art Unit</b>
	Evens Augustin	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 December 2006.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,5-10,17,22,42,50-52,55-59,61,92,107,108,110,113 and 114 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,5-10,17,22,42,50-52,55-59,61,92,107,108,110,113 and 114 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2006/12/12

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Acknowledgement***

1. The amendment filed on 12 December 2006 has been acknowledged. The Examiner for this Applicant has changed. From this time forward, please indicate Examiner Evens Augustin as the examiner of record in all correspondences. Claims 1, 5-10, 17, 22, 42, 50-52, 55-59, 61, 92, 107, 108, 110, 113, and 114 are pending.

### ***Abstract Objected To: Minor Informalities***

2. The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. Correction is required.

See MPEP § 608.01(b)

### ***Claim Rejections - 35 USC § 112 – 2<sup>nd</sup> Paragraph***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 refers to a system to “A secure on-line system for printing value bearing

items comprising: a client system...”; a server system...”. Claim 5, which depends on claim 1, refers to “the system in claim 1...”. It is not clear which system the claim is referring to (client or server system). Both systems may contain executable code for password verification. Therefore, the claim is indefinite. Claims 9, 10 and 17 are also rejected under the same rationale.

### ***Claim Interpretation***

5. In determining patentability of an invention over the prior art, the USPTO has considered all claimed limitations, and interpreted as broadly as their terms reasonably allow. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art.
6. It should also be noted that, in the office action that:
  - A. Items in the rejection that are in quotation marks are claimed language/limitations
  - B. Functional recitation(s) using the word “for” or other functional terms (*e.g.* “for monitoring operation of a self service terminal application exceeded by a self service terminal coupled to the computer” as recited in claim 8) have been considered but given less patentable weight<sup>1</sup> because they fail to add any steps and are thereby regarded as intended use language. To be especially clear, the Examiner has considered all claim limitations. However the A recitation of the intended use of the claimed invention must result in additional steps. See *Bristol-Myers Squibb Co. v.*

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<sup>1</sup> See *e.g.* *In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983)(stating that although all limitations must be considered, not all limitations are entitled to patentable weight).

*Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1375-76, 58 USPQ2d 1508, 1513 (Fed. Cir. 2001) (Where the language in a method claim states only a purpose and intended result, the expression does not result in a manipulative difference in the steps of the claim.).

- C. Word(s) that are separated by “/” are being examined as being synonymous or equivalent
- D. The USPTO interprets claim limitations that contain statement(s) such as “*if, may, might, can and could*”, as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted (*In re Johnston*, 77 USPQ2d 1788 (Fed. Circ. 2006)). They will be given less patentable weight, because language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.
- E. Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.
- F. Since the word “**module**” is not lexicographically defined, the word will be examined in accordance with the ordinary and accustomed meaning presumption. To the extent that the Examiner’s interpretations are in dispute with Applicants’ interpretations, the Examiner hereby adopts the following definitions—under the broadest reasonable interpretation standard—in all his claim interpretations. **Module:** n. 1. In

programming, a collection of routines and data structures that performs a particular task or implements a particular abstract data type. Modules usually consist of two parts: an interface, which lists the constants, data types, variables, and routines that can be accessed by other modules or routines, and an implementation, which is private (accessible only to the module) and which contains the source code that actually implements the routines in the module. See also abstract data type, information hiding, Modula-2, modular programming. 2. In hardware, a self-contained component that can provide a complete function to a system and can be interchanged with other modules that provide similar functions. See also memory card, SIMM. Computer Dictionary, 3rd Edition, Microsoft Press, Redmond, WA, 1997.<sup>2</sup>

G. Table: n. 1. In programming, a data structure usually consisting of a list of entries, each entry being identified by a unique key and containing a set of related values. A table is often implemented as an array of records, a linked list, or (in more primitive languages) several arrays of different data types, all using a common indexing scheme. See also array, list, record1. 2. In relational databases, a data structure characterized by rows and columns, with data occupying or potentially occupying

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<sup>2</sup> Based upon Applicants' disclosure, the art of record, and the knowledge of one of ordinary skill in this art as determined by the factors discussed in MPEP §2141.03 (where practical), the Examiner finds that the *Microsoft Press Computer Dictionary* is an appropriate technical dictionary known to be used by one of ordinary skill in this art. See e.g. *Altiris Inc. v. Symantec Corp.*, 318 F.3d 1363, 1373, 65 USPQ2d 1865, 1872 (Fed. Cir. 2003) where the Federal Circuit used the *Microsoft Press Computer Dictionary* (3d ed.) as "a technical dictionary" to define the term "flag." See also *In re Barr*, 444 F.2d 588, 170 USPQ 330 (CCPA 1971)(noting that its appropriate to use technical dictionaries in order to ascertain the meaning of a term of art) and MPEP §2173.05(a) titled 'New Terminology.'

each cell formed by a row-column intersection. The table is the underlying structure of a relation. See also relational database. 3. In word processing, desktop publishing, and HTML, a block of text formatted in aligned rows and columns. Computer Dictionary, 3rd Edition, Microsoft Press

- H. Recovery: n. The restoration of lost data, or the reconciliation of conflicting or erroneous data, after a system failure. Recovery is often achieved using a disk or tape backup and system logs. See also backup. Computer Dictionary, 3rd Edition, Microsoft Press
- I. Decision Support System: n. A set of programs and related data designed to help with analysis and decision making. A decision support system provides more help in formulating decisions than a management information system (MIS) or an executive information system (EIS). It includes a database, a body of knowledge about the subject area, a "language" used to formulate problems and questions, and a modeling program for testing alternative decisions. Compare executive information system, management information system. Computer Dictionary, 3rd Edition, Microsoft Press
- J. Simple Mail Transfer Protocol: n. A TCP/IP protocol for sending messages from one computer to another on a network. This protocol is used on the Internet to route e-mail. See also communications protocol, TCP/IP. Compare CCITT X series, Post Office Protocol. Acronym: SMTP. Computer Dictionary, 3rd Edition, Microsoft Press

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States. . . .
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 6-10, 17, 22, 42, 50-52, 55-59, 61, 92, 107, 108, 110, 113, and 114 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis et al. (U.S 6233565).

9. As per claims 1, 6-10, 17, 22, 42, 50-52, 55-59, 61, 92, 107, 108, 110, 113, and 114, Lewis et al. disclose an invention that comprises of the following:

- A. Interfacing with one or plurality of client system (col. 6, lines 49-56, col. 5, lines 30-32) (**“a client system for interfacing with a plurality of users”**)
- B. A server communicating with client(s) over the internet (col. 5, lines 33-37). The server system can also be a combination of servers as shown in figure 2 and col. 7, lines 35-36 (**“a server system for communicating with the client system over a communication network”**)
- C. Server comprising a database (col. 5, lines 34) for retrieving customer/user information (col. 14, lines 55-61), the server is a Postal Secure Device (col. 13, lines

36-37), and therefore the database that resides in the server is secure (“**a secure database remote from the users including a data record for each of the users**”)

D. Server module includes services such as authentication (col. 24, lines 64, col. 28, lines 13-19), indicium generation (col. 28, 29-31) – Part of the indicium generation is to process the value/rate of indicium (col. 31, lines 30-32, lines 41-44). The services are performed by a collection of routines and data structures that performs a particular task or implements a particular abstract data type. For example, system includes an authentication (col. 4, lines 20-23), a hash module for performing a hash algorithm based on an input data (col. 5, lines 12), encryption/decryption module for encrypting and decrypting at least one of the client private key and client public key based on said hash (col. 5, lines 15-17) – Invention also includes that the module is an executable program (col. 33, line 7) – (“**a plurality of cryptographic modules, each of the plurality of cryptographic modules for authenticating, processing value for the VBI, and generating indicia data for the plurality of users, wherein before each of the authentication, processing value, and generating indicia data for a given user is performed, the respective cryptographic module retrieves the data record for the given user directly from the database**”)

E. Each transaction/transaction request is recorded/stored in the transaction database (col. 4, lines 28-30). The current transaction/request is the first set of transaction. (“**database stores a first set of one or more last database transactions**”) – During each transaction for postage, the user’s account is debited for the transaction amount/postage (col. 12, lines 23-30). If the postage exceeds the available amount

(second set of previous transactions), an insufficient postage/funds error is given to the user, thereby preventing the current transaction to take place (“**prevents further database transactions if the second set of one or more last transaction**”) (col. 19, lines 33-36) (there has to be a comparison between the amount requested/first transaction and the available amount/previous transaction in order to determine whether or not the amount is sufficient; retrieving the sets of data is also inherent) (“**modules stores a second set of one or more last database transactions for comparison with the first set of one or more last database transactions stored in the database to verify each database transaction**”)

- F. Updating record in a database (col. 11, lines 37, col. 16, lines 40, col. 17, line 31, 59, col. 18, line 7, col. 36, line 15) (“**updating, and storing back in the database, the updated data record for the given user after generating indicia data for the given user**”)
- G. The prior art contains Structured Query Language/relational database (col. 14, lines 55-61), which necessarily has tables (“**the database stores a table including the respective information about a last transaction and a verification module to compare the information saved in the module with the information saved in the database**”)
- H. Periodic backup of the data stored in the database (col. 19, lines 27-32), in a log server (col. 12, lines 63-67 – see also table I, in column 7-10) (“**back up database server connected to the server system for periodically backing up the data stored in the database in a back up database**”)

- I. Server module to encrypt sensitive information in the servers (col. 24, lines 54-67) –  
**(“cryptographically protected transaction log stored in the back up database”)**
- J. Determining the validity of transaction data (col. 25, lines 20-22) (“**data validation...**”, the server automatically records various data and stores them on the log server (col. 35, lines 52-54) – Implicitly, data can automatically be recovered (“**auto-recovery subsystem...**”)
- K. If a module/computer code enters the Error State, the module will no longer perform cryptographic functions (col. 34, lines 2-6, col. 24, lines 10-15) (“**a computer executable code for detecting errors and preventing a compromise of data or critical cryptographic security parameters as a result of the errors**”)
- L. A Postal security device/subsystem (col. 3, line 59), which resides in Remote Service Provider (RSP) server (col. 3, lines 65-66) (“**one or more of a postal server subsystem, a provider server subsystem**”), a transaction/commerce server/subsystem taking place over the internet (col. 4, lines 12-16) (“**e-commerce subsystem**”), a staging server/subsystem (col. 18, line 23) (“**staging subsystem**”), client support functions (col. 21, line 63) (“**a client support subsystem**”) - On a periodic basis (e.g., 12:00 midnight every day) the server 4 system can run an agent that reviews all log database tables that have changed during the prior 24-hour period. Any changes that have been made are analyzed and matched to the customer record found in the Master Database 305. Purchase, spoilage, and refund information will be marked for a batch transmission to TPS (col. 37, lines 54-60) – In that sense, the system helps with analysis and decision making, and is therefore a Decision Support,

System (Per above definition) (“**a decision support subsystem**”), E-mail capability (col. 11, lines 44), in a TC/IP environment (col. 5, lines 59-62) – SMPT is inherent (“**a SMTP subsystem**”), filter out traffic, except to a particular address (address matching) (col. 8, lines 26-27) (“**an address matching service subsystem**”), Secure Socket layer for securing transactions (col. 14, lines 38-39, col. 15, lines 45, col. 29, line 60) (“**a SSL proxy server subsystem**”) and a web server (col. 7, line 36, col. 8, line 12, col. 11, line 31) (“**and a web server subsystem**”)

*Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (U.S 6233565), in view of Bosen et al. (U.S 5060263).

As per claim 5, the invention has previously been disclosed.

12. Although Lewis et al. teaches the aspect of obtaining a password from the user (col. 2, line 35, col. 5, line 12), Lewis et al. did not explicitly describe asynchronous dynamic password. However, Bosen et al. teaches the aspect of asynchronous dynamic password (column 2,

lines 1-14, col. 4, lines 6-14). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to construct a system that would employ asynchronous dynamic password. According to Bosen et al., one skilled in the art would have been motivated to do because asynchronous dynamic password reduces the number of keystrokes required of its users, and yet provides a much higher level of security than previous systems (col. 4, lines 9-11).

### ***Conclusion***

13. *Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that if the applicant is preparing to respond, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.*

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evens Augustin whose telephone number is 571-272-6860. The examiner can normally be reached on Monday thru Friday 8 to 5 pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,  
Andrew Fischer can be reached on 571-272-6779.

  
Evens J. Augustin  
March 27, 2007  
Art Unit 3621

  
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